

REMARKS

Applicant and the undersigned thank Examiner Bomar for his careful review of this application. Reconsideration of the present application in light of the above-amendments to the claims and in view of the following remarks is respectfully requested.

Claims 1-49 were pending.

Claims 5-8 were allowed.

Claims 1-4 and 9-49 were rejected.

Claims 1-4, 9-21, 26-29, 34-37, and 42-45 have been amended.

Thus, claims 1-49 are pending and under active prosecution. Applicants respectfully request that the above amendments be entered, and further request reconsideration in light of the amendments and remarks contained herein. No new matter is added by the claim amendments. Allowance of all claims is respectfully requested.

OBJECTIONS TO DRAWINGS

The Examiner has objected to the drawings alleging copy machine marks and shaded areas in the tool make it difficult to discern one part from another. Applicants have submitted replacement drawing sheets, and respectfully request that the objection be withdrawn.

CLAIM OBJECTIONS

The Examiner has objected to claims 19, 21, 27, 29, 35, 37, 43, and 45 alleging 'the drill pipe' lacks proper antecedent basis. Applicants have amended 19, 21, 27, 29, 35, 37, 43, and 45, and respectfully request that the objection be withdrawn.

The Examiner has objected to claims 18, 20, 28, 34, 36, 42, and 44 alleging 'at position above' should be --at a position above--." Applicants have amended claims 18, 20, 28, 34, 36, and 44, and submit that claim 42 is proper as presented. Withdrawal of the objection is respectfully requested.

The Examiner has objected to claim 28 alleging "sealingly off" in line 7 should be --sealing off--. Applicants have amended claim 28 accordingly, and respectfully request that the objection be withdrawn.

REJECTION UNDER 35 USC §102

Claims 26-30, 32, 42-46, and 48 stand rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Application Publication No. 2006/0096762 to Brisco (hereinafter "Brisco"). The Applicant respectfully disagrees.

Brisco discloses a system for radially expanding a wellbore casing in which an expansion cone 120 is displaced downwardly through a wellbore casing using fluid pressure. There is no disclosure or suggestion within Brisco of displacing the expansion cone 120 downwardly without using fluid pressure.

Claim 26, as amended, recites:

26. A method for forming a mono diameter wellbore casing, comprising

connecting an expansion cone to a tubular support;

anchoring an expandable tubular member to the tubular support at a position

above the expansion cone;

then inserting the expandable tubular member into the wellbore;

then expanding a first portion of the expandable tubular member with the

expansion cone;

then sealing off the first expanded portion of the expandable tubular member;

and

then pumping fluid into the expandable tubular member between the expansion

cone and the sealed off first expanded portion of the expandable tubular

member to force the expansion cone through the expandable tubular member to expand a second portion of the expandable tubular member.

By contrast, in Brisco, no downward displacement of the expansion cone 120 to radially expand a wellbore casing can occur unless and until fluid pressure is applied to one side of the expansion cone. Thus, Brisco does not disclose or suggest the invention of claim 26.

Furthermore, for at least the same reasons, Brisco also does not disclose or suggest the invention of claim 27, that depends from claim 26.

Claim 28, as amended, recites:

28. A method for forming a mono diameter wellbore casing, comprising:

connecting an expansion device to a tubular support;

anchoring an expandable tubular member to the tubular support at a position above the expansion device;

then inserting the expandable tubular member into the wellbore;

then expanding a first portion of the expandable tubular member with the expansion device;

then sealing off the first expanded portion of the expandable tubular member; and

then pumping fluid into the expandable tubular member between the expansion device and the sealed off first expanded portion of the expandable tubular member to facilitate forcing the expansion device through the expandable tubular member to expand a second portion of the expandable tubular member.

By contrast, in Brisco, no downward displacement of the expansion cone 120 to radially expand a wellbore casing can occur unless and until fluid pressure is applied to one side of the expansion cone. Thus, Brisco does not disclose or suggest the invention of claim 28.

Furthermore, for at least the same reasons, Brisco also does not disclose or suggest the invention of claims 29-30, and 32, that depend from claim 28.

As presented, claims 42-46 and 48 include claim limitations drafted using “means plus function” language.

Because these claims are drafted using “means plus function” claim language (see 35 U.S.C. §112, 6th paragraph), such language must be interpreted to read on only the structures or materials disclosed in the specification and “equivalents thereof” that correspond to the recited function. See MPEP §2106. Put differently, when an element is claimed using language falling under the scope of 35 U.S.C. §112, 6th paragraph, the specification must be consulted to determine the structure, material, or acts corresponding to the function recited in the claim. MPEP § 2111.01, citing *In re Donaldson*, 16 F.3d 1189 (Fed. Cir. 1994). Thus, with respect to claims 42-46 and 48, the specification must be examined to determine what means are disclosed.

Claim 42, as amended, recites:

42. A system for forming a mono diameter wellbore casing, comprising
- means for connecting an expansion cone to a tubular support;
- means for anchoring an expandable tubular member to the tubular support at a position above the expansion cone;
- means for inserting the expandable tubular member into the wellbore;

means for expanding a first portion of the expandable tubular member with the expansion cone;

means for sealing off the first expanded portion of the expandable tubular member; and

means for pumping fluid into the expandable tubular member between the expansion cone and the sealed off first expanded portion of the expandable tubular member to force the expansion cone through the expandable tubular member to expand a second portion of the expandable tubular member.

The “means for expanding a first portion of the expandable tubular member with the expansion cone” disclosed in the present application include the force multiplier 28 and expansion cone 24, as shown in Figs. 1-3 and described at paragraphs [0012] to [0020].

The “means for sealing off the first expanded portion of the expandable tubular member” disclosed in the present application include the bottom packer 22, as shown in Figs. 3-4 and described at paragraphs [0020] to [0021].

The “means for pumping fluid into the expandable tubular member between the expansion cone and the sealed off first expanded portion of the expandable tubular member to force the expansion cone through the expandable tubular member to expand a second portion of the expandable tubular member” disclosed in the present application include the bottom packer 22 and expansion cone 24, as shown in Figs. 3-4 and described at paragraphs [0020] to [0021].

Brisco does not include any of the "means" elements detailed above recited in claim 42. Thus, Brisco does not disclose or suggest the invention of claim 42.

Furthermore, for at least the same reasons, Brisco also does not disclose or suggest the invention of claim 43, that depends from claim 42.

In addition, claim 43, among other things, recites: "...means for moving the expansion cone with the actuator partially into the expandable tubular member to form the first expanded portion of the expandable tubular member." The means for moving the expansion cone with the actuator partially into the expandable tubular member to form the first expanded portion of the expandable tubular member disclosed in the present application include the force multiplier 28, as shown in Figs. 1-3 and described at paragraphs [0012] to [0020]. Brisco does not disclose or suggest this element of claim 43. Thus, for at least this additional reason, Brisco does not disclose or suggest the invention of claim 43.

Claim 44, as amended, recites:

44. A system for forming a mono diameter wellbore casing, comprising:

means for connecting an expansion device to a tubular support;

means for anchoring an expandable tubular member to the tubular support at a position above the expansion device;

means for inserting the expandable tubular member into the wellbore;

means for expanding a first portion of the expandable tubular member with the expansion device;

means for sealing off the first expanded portion of the expandable tubular member; and

means for pumping fluid into the expandable tubular member between the expansion device and the sealed off first expanded portion of the expandable tubular member to facilitate forcing the expansion device through the expandable tubular member to expand a second portion of the expandable tubular member.

The “means for expanding a first portion of the expandable tubular member with the expansion cone” disclosed in the present application include the force multiplier 28 and expansion cone 24, as shown in Figs. 1-3 and described at paragraphs [0012] to [0020].

The “means for sealing off the first expanded portion of the expandable tubular member” disclosed in the present application include the bottom packer 22, as shown in Figs. 3-4 and described at paragraphs [0020] to [0021].

The “means for pumping fluid into the expandable tubular member between the expansion cone and the sealed off first expanded portion of the expandable tubular member to force the expansion cone through the expandable tubular member to expand a second portion of the expandable tubular member” disclosed in the present application include the bottom packer 22 and expansion cone 24, as shown in Figs. 3-4 and described at paragraphs [0020] to [0021].

Brisco does not include any of the “means” elements detailed above recited in claim 44. Thus, Brisco does not disclose or suggest the invention of claim 44.

Furthermore, for at least the same reasons, Brisco also does not disclose or suggest the invention of claims 45-46, and 48, that depends from claim 42.

In addition, claim 45, among other things, recites: "...means for moving the expansion cone with the actuator partially into the expandable tubular member to form the first expanded portion of the expandable tubular member." The means for moving the expansion cone with the actuator partially into the expandable tubular member to form the first expanded portion of the expandable tubular member disclosed in the present application include the force multiplier 28, as shown in Figs. 1-3 and described at paragraphs [0012] to [0020]. Brisco does not disclose or suggest this element of claim 45. Thus, for at least this additional reason, Brisco does not disclose or suggest the invention of claim 45.

REJECTION UNDER 35 USC § 103 - OOSTERLING ALONE

Claims 1, 3, 4, 9, 10, 18-21, 26-29, 34-37, and 42-45 were rejected under 35 U.S.C. §103(a) as being unpatentable over WO01/18354 to Oosterling (hereinafter "Oosterling"). The Applicant respectfully disagrees.

Oosterling discloses an expansion system in which an expandable packer 40 is connected to a pre-expanded end of a casing 32. The system is assembled with an expansion cone 42 positioned within the pre-expanded end of the casing 32 that is connected to an end of a tubular support 52. The system is then positioned within a wellbore and the packer 40 is operated to anchor the pre-expanded end of the casing 32 to the wellbore. Once the pre-expanded end of the casing 32 is anchored to the wellbore by the packer 40, the expansion cone 42 is pulled upwardly through the casing 32 to radially expand the casing.

Claim 1, as amended, recites:

1. A bottom plug assembly for use in connection with an apparatus for forming a mono diameter wellbore casing, the apparatus of the type using an expandable tubular member carried into the wellbore on a tubular support and expanded with an expansion cone connected to the tubular support, the bottom plug assembly comprising:

an expandable packer coupled to and positioned below the expansion cone;

an anchor device coupled to the tubular support for anchoring the expandable tubular member to the tubular support;

a packer setting mechanism coupled between the expansion cone and the expandable packer for expanding the expandable packer and sealingly setting the expandable packer in an expanded portion of the expandable tubular member; and

a release mechanism coupled between the expansion cone and the expandable packer for releasing the expandable bottom packer from the expansion cone so that fluid pumped into the expandable tubular member between the expansion cone and the sealed and set expandable bottom packer will force the expansion cone into and through the expandable tubular member to expand the expandable tubular member.

By contrast, Oosterling does not disclose or suggest an anchoring device coupled to the tubular support 52 for anchoring the casing 32 to the tubular support. Thus, Oosterling does not disclose or suggest the invention of claim 1.

Furthermore, for at least the same reasons, Oosterling also does not disclose or suggest the invention of claims 3 and 4, that depend from claim 1.

Claim 9, as amended, recites:

9. A bottom plug assembly for use in connection with an apparatus for forming a mono diameter wellbore casing, the apparatus of the type using an expandable tubular member carried into the wellbore on a tubular support and

expanded with an expansion device connected to the tubular support, the bottom plug assembly comprising:

an expandable packer coupled to and positioned below the expansion device;

an anchor device coupled to the tubular support for anchoring the expandable tubular member to the tubular support;

a packer setting mechanism coupled between the expansion device and the expandable packer for expanding the expandable packer and sealingly setting the expandable packer in an expanded portion of the expandable tubular member; and

a release mechanism coupled between the expansion device and the expandable packer for releasing the expandable bottom packer from the expansion device so that fluid pumped into the expandable tubular member between the expansion device and the sealed and set expandable bottom packer will facilitate forcing the expansion device into and through the expandable tubular member to expand the expandable tubular member.

By contrast, Oosterling does not disclose or suggest an anchoring device coupled to the tubular support 52 for anchoring the casing 32 to the tubular support. Thus, Oosterling does not disclose or suggest the invention of claim 9.

Furthermore, for at least the same reasons, Oosterling also does not disclose or suggest the invention of claim 10, that depends from claim 9.

Claim 18, as amended, recites:

18. A method for forming a mono diameter wellbore casing, comprising
connecting an expansion cone to a tubular support;
coupling an expandable bottom packer to and below the expansion cone;

anchoring the expandable tubular member to the tubular support at a position above the expansion cone;

inserting the expandable tubular member into the wellbore;

expanding a first portion of the expandable tubular member with the expansion cone;

sealingly setting the expanded expandable bottom packer in the first expanded portion of the expandable tubular member; and

releasing the expandable bottom packer from the expansion cone;

pumping fluid into the expandable tubular member between the expansion cone and the set and expanded expandable bottom packer to force the expansion cone through the expandable tubular member to expand a second portion of the expandable tubular member.

By contrast, Oosterling does not disclose or suggest an anchoring device coupled to the tubular support 52 for anchoring the casing 32 to the tubular support. Thus, Oosterling does not disclose or suggest the invention of claim 18.

Furthermore, for at least the same reasons, Oosterling also does not disclose or suggest the invention of claim 19, that depends from claim 18.

Claim 20, as amended, recites:

20. A method for forming a mono diameter wellbore casing, comprising

connecting an expansion device to a tubular support;

coupling an expandable bottom packer to and below the expansion device;

anchoring an expandable tubular member to the tubular support at a position above the expansion device;

inserting the expandable tubular member into the wellbore;

expanding a first portion of the expandable tubular member with the expansion device;

sealingly setting the expanded expandable bottom packer in the first expanded portion of the expandable tubular member; and

releasing the expandable bottom packer from the expansion device;

pumping fluid into the expandable tubular member between the expansion device and the set and expanded expandable bottom packer to facilitate forcing the expansion device through the expandable tubular member to expand a second portion of the expandable tubular member.

By contrast, Oosterling does not disclose or suggest an anchoring device coupled to the tubular support 52 for anchoring the casing 32 to the tubular support. Thus, Oosterling does not disclose or suggest the invention of claim 20.

Furthermore, for at least the same reasons, Oosterling also does not disclose or suggest the invention of claim 21, that depends from claim 20.

Claim 26, as amended, recites:

26. A method for forming a mono diameter wellbore casing, comprising

connecting an expansion cone to a tubular support;

anchoring an expandable tubular member to the tubular support at a position

above the expansion cone;

then inserting the expandable tubular member into the wellbore;

then expanding a first portion of the expandable tubular member with the expansion cone;

then sealing off the first expanded portion of the expandable tubular member;

and

then pumping fluid into the expandable tubular member between the expansion
cone and the sealed off first expanded portion of the expandable tubular
member to force the expansion cone through the expandable tubular
member to expand a second portion of the expandable tubular member.

By contrast, in Oosterling, the lower end of the casing 32 is pre-expanded before insertion into the wellbore. Thus, Oosterling does not disclose or suggest the invention of claim 26.

Furthermore, for at least the same reasons, Oosterling also does not disclose or suggest the invention of claim 27, that depends from claim 26.

Claim 28, as amended, recites:

28. A method for forming a mono diameter wellbore casing, comprising:

connecting an expansion device to a tubular support;

anchoring an expandable tubular member to the tubular support at a position
above the expansion device;

then inserting the expandable tubular member into the wellbore;

then expanding a first portion of the expandable tubular member with the
expansion device;

then sealing off the first expanded portion of the expandable tubular member;
and

then pumping fluid into the expandable tubular member between the expansion
device and the sealed off first expanded portion of the expandable tubular

member to facilitate forcing the expansion device through the expandable tubular member to expand a second portion of the expandable tubular member.

By contrast, in Oosterling, the lower end of the casing 32 is pre-expanded before insertion into the wellbore. Thus, Oosterling does not disclose or suggest the invention of claim 28.

Furthermore, for at least the same reasons, Oosterling also does not disclose or suggest the invention of claim 29, that depends from claim 28.

As presented, claims 34-37 and 42-45 include claim limitations drafted using "means plus function" language.

Because these claims are drafted using "means plus function" claim language (see 35 U.S.C. §112, 6th paragraph), such language must be interpreted to read on only the structures or materials disclosed in the specification and "equivalents thereof" that correspond to the recited function. See MPEP §2106. Put differently, when an element is claimed using language falling under the scope of 35 U.S.C. §112, 6th paragraph, the specification must be consulted to determine the structure, material, or acts corresponding to the function recited in the claim. MPEP § 2111.01, citing *In re Donaldson*, 16 F.3d 1189 (Fed. Cir. 1994). Thus, with respect to claims 34-37 and 42-45, the specification must be examined to determine what means are disclosed.

Claim 34, as amended, recites:

34. A system for forming a mono diameter wellbore casing, comprising

means for connecting an expansion cone to a tubular support;

means for coupling an expandable bottom packer to and below the expansion

cone;

means for anchoring an expandable tubular member to the tubular support at a position above the expansion cone;

means for inserting the expandable tubular member into the wellbore;

means for expanding a first portion of the expandable tubular member with the expansion cone;

means for sealingly setting the expanded expandable bottom packer in the first expanded portion of the expandable tubular member;

means for releasing the expandable bottom packer from the expansion cone; and

means for pumping fluid into the expandable tubular member between the expansion cone and the set and expanded expandable bottom packer to force the expansion cone through the expandable tubular member to expand a second portion of the expandable tubular member.

The "means for anchoring an expandable tubular member to the tubular support at a position above the expansion cone" disclosed in the present application include the anchor 26, as shown in Figs. 1-3 and described at paragraphs [0012] to [0020].

The "means for expanding a first portion of the expandable tubular member with the expansion cone" disclosed in the present application include the force multiplier 28 and expansion cone 24, as shown in Figs. 1-3 and described at paragraphs [0012] to [0020].

Oosterling does not include any of the "means" elements detailed above recited in claim 34. Thus, Oosterling does not disclose or suggest the invention of claim 34.

Furthermore, for at least the same reasons, Oosterling also does not disclose or suggest the invention of claim 35, that depends from claim 34.

In addition, claim 35 recites: "...means for moving the expansion cone with the actuator partially into the expandable tubular member to form the first expanded portion of the expandable tubular member." This means element of claim 35 is disclosed in the present application as the force multiplier 28, as shown in Figs. 1-3 and described at paragraphs [0012] to [0020]. Oosterling does not disclose this element of claim 35. Thus, for at least this additional reason, Oosterling does not disclose or suggest the invention of claim 35.

Claim 36, as amended, recites:

36. A system for forming a mono diameter wellbore casing, comprising

means for connecting an expansion device to a tubular support;

means for coupling an expandable bottom packer to and below the expansion device;

means for anchoring an expandable tubular member to the tubular support at a position above the expansion device;

means for inserting the expandable tubular member into the wellbore;

means for expanding a first portion of the expandable tubular member with the expansion means for sealingly setting the expanded expandable bottom packer in the first expanded portion of the expandable tubular member;

means for releasing the expandable bottom packer from the expansion device;

and

means for pumping fluid into the expandable tubular member between the expansion device and the set and expanded expandable bottom packer to facilitate forcing the expansion device through the expandable tubular member to expand a second portion of the expandable tubular member.

The "means for anchoring an expandable tubular member to the tubular support at a position above the expansion cone" disclosed in the present application include the anchor 26, as shown in Figs. 1-3 and described at paragraphs [0012] to [0020].

The "means for expanding a first portion of the expandable tubular member with the expansion means for sealingly setting the expanded expandable bottom packer in the first expanded portion of the expandable tubular member" disclosed in the present application include the force multiplier 28 and expansion cone 24, as shown in Figs. 1-3 and described at paragraphs [0012] to [0020].

Oosterling does not include any of the "means" elements detailed above recited in claim 36. Thus, Oosterling does not disclose or suggest the invention of claim 34.

Furthermore, for at least the same reasons, Oosterling also does not disclose or suggest the invention of claim 37, that depends from claim 36.

In addition, claim 37 recites: "...means for moving the expansion cone with the actuator partially into the expandable tubular member to form the first expanded portion of the expandable tubular member." This means element of claim 37 is disclosed in the present application as the force multiplier 28, as shown in Figs. 1-3 and described at paragraphs [0012] to [0020]. Oosterling does not disclose this element of claim 37. Thus, for at least this additional reason, Oosterling does not disclose or suggest the invention of claim 37.

Claim 42, as amended, recites:

42. A system for forming a mono diameter wellbore casing, comprising

means for connecting an expansion cone to a tubular support;

means for anchoring an expandable tubular member to the tubular support at a position above the expansion cone;

means for inserting the expandable tubular member into the wellbore;

means for expanding a first portion of the expandable tubular member with the expansion cone;

means for sealing off the first expanded portion of the expandable tubular member; and

means for pumping fluid into the expandable tubular member between the expansion cone and the sealed off first expanded portion of the expandable tubular member to force the expansion cone through the expandable tubular member to expand a second portion of the expandable tubular member.

The “means for anchoring an expandable tubular member with the tubular support at a position above the expansion cone” disclosed in the present application include the anchor 26, as shown in Figs. 1-3 and described at paragraphs [0012] to [0020].

The “means for expanding a first portion of the expandable tubular member with the expansion cone” disclosed in the present application include the force multiplier 28

and expansion cone 24, as shown in Figs. 1-3 and described at paragraphs [0012] to [0020].

Oosterling does not include any of the "means" elements detailed above recited in claim 42. Thus, Oosterling does not disclose or suggest the invention of claim 42.

Furthermore, for at least the same reasons, Oosterling also does not disclose or suggest the invention of claim 43, that depends from claim 42.

In addition, claim 43 recites: "...means for moving the expansion cone with the actuator partially into the expandable tubular member to form the first expanded portion of the expandable tubular member." This means element of claim 43 is disclosed in the present application as the force multiplier 28, as shown in Figs. 1-3 and described at paragraphs [0012] to [0020]. Oosterling does not disclose this element of claim 43. Thus, for at least this additional reason, Oosterling does not disclose or suggest the invention of claim 43.

Claim 44, as amended, recites:

44. A system for forming a mono diameter wellbore casing, comprising:

means for connecting an expansion device to a tubular support;

means for anchoring an expandable tubular member to the tubular support at a position above the expansion device;

means for inserting the expandable tubular member into the wellbore;

means for expanding a first portion of the expandable tubular member with the expansion device;

means for sealing off the first expanded portion of the expandable tubular member; and

means for pumping fluid into the expandable tubular member between the expansion device and the sealed off first expanded portion of the expandable tubular member to facilitate forcing the expansion device through the expandable tubular member to expand a second portion of the expandable tubular member.

The "means for anchoring an expandable tubular member with the tubular support at a position above the expansion cone" disclosed in the present application include the anchor 26, as shown in Figs. 1-3 and described at paragraphs [0012] to [0020].

The "means for expanding a first portion of the expandable tubular member with the expansion cone" disclosed in the present application include the force multiplier 28 and expansion cone 24, as shown in Figs. 1-3 and described at paragraphs [0012] to [0020].

Oosterling does not include any of the "means" elements detailed above recited in claim 44. Thus, Oosterling does not disclose or suggest the invention of claim 44.

Furthermore, for at least the same reasons, Oosterling also does not disclose or suggest the invention of claim 45, that depends from claim 44.

In addition, claim 45 recites: "...means for moving the expansion cone with the actuator partially into the expandable tubular member to form the first expanded portion of the expandable tubular member." This means element of claim 45 is disclosed in the present application as the force multiplier 28, as shown in Figs. 1-3 and described at

paragraphs [0012] to [0020]. Oosterling does not disclose this element of claim 45. Thus, for at least this additional reason, Oosterling does not disclose or suggest the invention of claim 45.

REJECTION UNDER 35 USC § 103 - OOSTERLING IN VIEW OF BARRINGTON

Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Oosterling in view of US 5,297,629 to Barrington et al (hereinafter "Barrington"). The Applicant respectfully disagrees.

Barrington discloses a well test string that includes an expandable packer 10a. However, Barrington does not disclose or suggest any of the elements missing from Oosterling.

Thus, since claim 2 depends from claim 1, as detailed above, the combination of Oosterling and Barrington does not disclose or suggest the invention of claim 2.

REJECTION UNDER 35 USC § 103 - OOSTERLING IN VIEW OF GILL AND SIVLEY

Claims 11-17, 21-25, 30-33, 38-41, and 46-49 were rejected under 35 U.S.C. §103(a) as being unpatentable over Oosterling in view of US 5,667,011 to Gill et al (hereinafter "Gill") or in view of US 6,607,220 to Sivley (hereinafter "Sivley"). The Applicant respectfully traverses.

Gill discloses a method of creating a casing in a wellbore that uses an expansion mandrel 15.

Sivley discloses a radially expandable tubular connection that may be expanded using conventional expansion devices.

However, Gill and Sivley do not alone, or in combination, disclose the elements missing from Oosterling as detailed above with reference to claims 9, 20, 28, 36, and 44.

Thus, the combination of Oosterling with either, or both, of Gill and Sivley, does not disclose or suggest the invention of any of claims 11-17, 21-25, 30-33, 38-41, and 46-49.

NO WAIVER

All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the Oosterling reference. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art. The example distinctions discussed by Applicants are sufficient to overcome the anticipation and obviousness rejections.

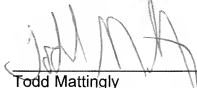
CONCLUSION

The foregoing is submitted as a full and complete Response to the Non-Final Office Action mailed August 9, 2007. Applicants have made a diligent effort to advance the prosecution of the application by submitting claim amendments and arguments in support of patentability of claims. Applicant has not acquiesced to any rejection and reserves the right to address the patentability of any additional claim features in the future. Reconsideration allowance of claims 1-49 is respectfully requested.

As the three-month statutory period for reply expires on November 9, 2007, this Response is therefore considered timely filed and no fees are believed to be due. However, should the Commissioner deem any fees as being due, including any fees for any extensions of time, the Commissioner is hereby authorized to debit said fees from, or to credit any overpayments to, USPTO Deposit Account Number 50-3786, Reference No. 14147.105114.

The Examiner is invited to contact the undersigned via telephone at the number listed below if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



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